

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Upon entry of this Amendment, claims 1-41 and 43-46 will be pending in the present application. Claims 43-46 have been added and claim 42 has been cancelled.

I. Objection to Claims 21-30

Claims 21-30 are objected to because of an informality regarding the labeling of the subparts of the claimed elements. Applicant submits that the above amendment to claim 21 corrects the deficiency noted by the Examiner. Namely, claim 21 has been amended to delete the reference to subpart (1) in part (b) of the claim. Accordingly, applicant respectfully requests that the objection to claims 21-30 be withdrawn.

II. Rejection of Claims 1-10 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that the above amendment to the claims correct the specific deficiencies cited by the Examiner. For example, claim 1 has been amended to clarify that the first connector is attachable to the second connector by the “means for releasably and rotateably connecting the first connector with the second connector”. Claim 1, as amended, also clarifies that the headgear is not positively recited in this claim. Rather, the second connector is attachable to a strap forming part of the headgear.

Applicant respectfully disagrees that the claimed “means for releasably and rotateably interconnecting the connectors” are the connectors themselves. For example, in an exemplary embodiment, the connector corresponds to elongated portion (48) and post portion (52) and the “means for releasably and rotateably interconnecting the connectors” is the bulbous portion (56). A copy of FIG. 4 from the present application is reproduced below for the Examiner’s convenience.

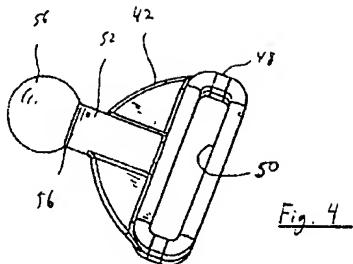


Fig. 4

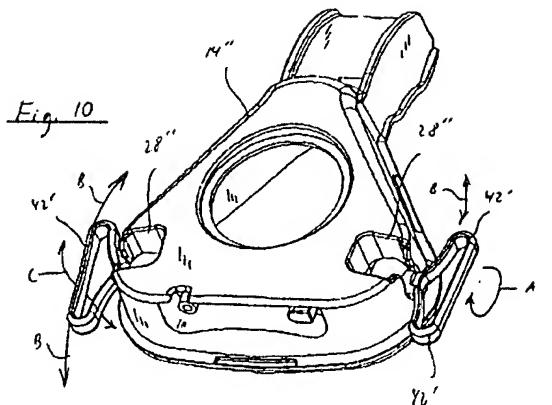
Under this interpretation, the claimed "means for releasably connecting the first connector with the second connector" corresponds to any device, such as a bulb, that connects the elongated portion and post portion with the first connector. It can be appreciated that under 35 U.S.C. § 112, second paragraph, the claim covers other structures that accomplish this function. It should be noted that independent claims 11, 21, and 31 are not written in means-plus-function form.

For the reasons presented above, applicant submits that claims 1-10 are not indefinite. Accordingly, applicant respectfully requests that the above rejection of claims 1-10 be withdrawn.

III. Rejection of the Claims Based on the Cited References

Claims 1, 2, 11, 12, 21, and 22 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,924,420 to Reischel et al. ("the '420 patent"). In addition, claims 6, 7, 16, 17, and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over the '420 patent. Claims 3-5, 8-10, 13-15, 18-20, 23-25, and 27-41 stand rejected under 35 U.S.C. § 103 as being unpatentable over the '420 patent in view of U.S. Patent No. 5,502,878 to Anscher ("the '878 patent"). Finally, claim 42 stands rejected as being anticipated by the '420 patent. Applicant respectfully traverses this rejection for the reasons presented below.

Independent claims 1, 11, 21, and 31 have been amended to clarify that the first connector and the second connector are configured such that the second connector is rotateable relative to the first connector in a plurality of axis of rotation simultaneously. These axis of rotation are illustrated by arrows A, B, and C in FIG. 10 of the present application, a copy of which is reproduced below.



Applicant submits that the '420 patent does not teach or suggest providing first and second connectors that are coupled so that the connectors rotate relative to one another over a plurality of axis of rotation simultaneously. The connector between the harness assembly in the '420 patent and the mask are snaps. As such, they provide, at best, rotation of the male snap relative to the female receptacle in only one axis, not a plurality of axis.

The Examiner cites the '878 patent for the proposition that it discloses certain features recited in some of the dependent claims. While applicant does not admit that the teachings of the '878 patent can be combined with that of the '420 patent, applicant submits that the '878 patent fails to teach or suggest the connectors that are coupled so as to rotate over a plurality of axis of rotation simultaneously.

For the reasons presented above, applicant respectfully submits that independent claims 1, 11, 21, and 31 are not anticipated or rendered obvious by the cited references. In addition, claims 2-10, 12-20, 22-30, 31-41, and new claims 43-46 are also not anticipated or rendered obvious due to their dependency from independent claims 1, 11, 21, or 31. Claim 42 has been cancelled. Accordingly, applicant respectfully requests that the above rejection of claims 1-42 be withdrawn.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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